

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**MICHELLE FREUDENBERG, as Administratrix of the  
Estate of ERIC FREUDENBERG,**

*Plaintiff,*

-VS-

**COUNTY OF ORANGE, H.I.G. CAPITAL, LLC,  
WELLPATH, LLC (formerly known as CORRECT CARE  
SOLUTIONS MEDICAL SERVICES PC), WELLPATH  
NY, LLC, ORANGE COUNTY SHERIFF CARL E.  
DUBOIS in his official capacity, ORANGE COUNTY  
DEPUTY JOHN DOE 1 in their official and individual  
capacities, SALWA KHOURI, M.D. in her official and  
individual capacities, MANDI ZACCAGNINO, N.P. in her  
official and individual capacities, JOHN DOE 2-10, in their  
official and individual capacities,**

*Defendants.*

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**NOTICE OF MOTION**

Civil No.: 7:23-cv-00847-KMK

**PLEASE TAKE NOTICE:**

**MOTION BY:**

**BARCLAY DAMON, LLP**

*Attorneys for Defendants  
County of Orange, Wellpath, LLC (f/k/a  
Correct Care Solutions Medical Services  
PC), Wellpath NY, LLC, Orange County  
Sheriff Carl E. Dubois, Salwa Khouri, M.D.  
and Mandi Zaccagnino, N.P..  
2000 Five Star Bank Plaza  
100 Chestnut Street  
Rochester, New York 14604  
Telephone: (585) 295-4426  
Email: psanders@barclaydamon.com*

**DATE, TIME AND PLACE OF HEARING:**

Hon. Kenneth M. Karas  
United States District Judge  
\_\_\_\_\_, 2023 at \_\_\_\_ a.m./p.m.  
The Hon. Charles L. Brieant Jr.  
United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

**SUPPORTING PAPERS:**

Attorney Declaration of Paul A. Sanders, Esq. dated December 4, 2023 and Defendants' Memorandum of Law dated December 4, 2023.

**RELIEF DEMANDED:**

An order, pursuant to Fed. R. Civ. P. Rule 12(b)(6), dismissing Plaintiff's Complaint, in its entirety with prejudice, and granting such other and further relief as the Court deems just and proper.

**GROUND FOR RELIEF:**

Plaintiff's Complaint fails to state a cause of action upon which relief can be granted, pursuant to Fed. R. Civ. P. Rule 12(b)(6), as against moving Defendants

**DEMAND FOR ANSWERING PAPERS:**

Absent Court order, the opposing party shall file and serve responding papers on or before January 3, 2024, and the moving party shall file and serve reply papers on or before January 18, 2024. *See* CM/ECF Doc. No. 58.

Failure to respond to this motion may result in dismissal of the Complaint and termination of this action.

**DATED:** December 4, 2023

**BARCLAY DAMON LLP**

By: /s/ Paul A. Sanders  
Paul A. Sanders, Esq.

*Attorneys for Defendants*  
*Attorneys for County of Orange, Wellpath, LLC (f/k/a Correct Care Solutions Medical Services PC), Wellpath NY, LLC, Orange County Sheriff Carl E. Dubois, Salwa Khouri, M.D. and Mandi Zaccagnino, N.P.*  
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